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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOHN LEE HIGH,

12 Petitioner,

13 v.

14 SCOTT FRAKES,

15 Respondent.

Case No. C08-05766 RJB

ORDER ON PETITIONER'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS

16 This matter comes before the court on review of the March 10, 2009 Report and
17 Recommendation of the Magistrate Judge, who recommended that the petitioner's application to
18 proceed *in forma pauperis* be denied because petitioner appeared to have the funds to pay the \$5.00
19 filing fee. Dkt. 8. The court has reviewed the Report and Recommendation and the remainder of the
20 file herein.


21 On March 24, 2009, after the Report and Recommendation had been issued, petitioner paid
22 the filing fee. The Report and Recommendation is moot. Petitioner's application to proceed *in*
23 *forma pauperis* is **DENIED**. Petitioner's habeas corpus action shall proceed. The case, including all
24 pending motions, is **RE-REFERRED TO UNITED STATES MAGISTRATE JUDGE KAREN**
25 **L. STROMBOM** in accord with the original order of reference.

26 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to
27 any party appearing *pro se* at said party's last known address.

28 ORDER - 1

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DATED this 1st day of April, 2009.


ROBERT J. BRYAN
United States District Judge